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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF

TRACY N. WENGERT – CRD #3182678 and
JEANETTE WENGERT, husband and wife,

Respondents.

DOCKET NO. S-20973A-16-0

SECOND
PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On June 22, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, of Revocation, for Restitution, for Administrative Penalties, and for Other Affirmative Action (“Notice”) against Tracy N. Wengert and Jeanette Wengert, husband and wife (the “Wengerts” or “Respondents”) in which the Division alleged violations of the Arizona Securities Act (“Act”) in connection with the offer and sale of securities.

The spouse of Tracy N. Wengert, Jeanette Wengert (“Respondent Spouse”) is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with a copy of the Notice.

On July 1, 2016, Respondents filed a Request for Hearing pursuant to A.A.C. R14-4-306.

On July 6, 2016, by Procedural Order, a pre-hearing conference was scheduled for July 27, 2016.

On July 22, 2016, Respondents filed a Consent to Email Service.

Also on July 22, 2016, the Wengerts filed an Answer to the Notice of Opportunity for Hearing (“Answer”).

On July 27, 2016, the pre-hearing conference was held as scheduled. The Division and

1 Respondents appeared through counsel. The scheduling of a hearing date was discussed.

2 Accordingly, a hearing should be scheduled.

3 IT IS THEREFORE ORDERED that **a hearing shall be held commencing on January 9,**
 4 **2017, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room**
 5 **No. 1, Phoenix, Arizona.**

6 IT IS FURTHER ORDERED that **the parties shall also reserve January 10-12, 2017, for**
 7 **additional days of hearing, if necessary.**

8 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
 9 **their Witness Lists and copies of the Exhibits by November 23, 2016, with courtesy copies provided**
 10 **to the presiding Administrative Law Judge.**

11 IT IS FURTHER ORDERED that **if the parties reach a resolution of the issues raised in the**
 12 **Notice prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
 14 Communications) is in effect and shall remain in effect until the Commission's Decision in this matter
 15 is final and non-appealable.

16 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
 17 31, 38, 39, and 42, and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

18 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
 19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
 20 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at
 21 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
 22 for discussion, unless counsel has previously been granted permission to withdraw by the
 23 Administrative Law Judge or the Commission.

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1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 1st day of August, 2016.

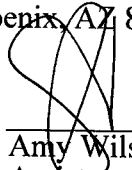
5
6 
7 MARK PRENY
8 ADMINISTRATIVE LAW JUDGE

9 "On this 1st day of August 2016, the foregoing document was filed with Docket Control as a
10 Procedural Order- Sets a Hearing, and copies of the foregoing were mailed on behalf of the Hearing
11 Division to the following who have not consented to email service. On this date or as soon as possible
12 thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the
13 following who have consented to email service."

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